REMARKS

SUMMARY

Claims 1-21 are pending in the application. Claims 1-21 were rejected.

Applicants appreciatively acknowledge the Examiner's consideration of and response to Applicants' arguments as presented in the Response filed on September 13, 2005.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102

In "Claim Rejections – 35 USC § 102," item 3 on page 2 of the above-identified final Office Action, claims 1-6, 8-9, 11-16,18-19 and 21 have been rejected as being fully anticipated by by *Bex et al*, "A Formal Model for an Expressive Fragment of XSLT", First International Conference of Computational Logic, London, July 2000, Proceedings; Springer-Verlag, pp. 1137-1151. (hereinafter "Bex") under 35 U.S.C. § 102(a). Applicants respectfully traverse.

Availability of Bex

In "Response to Argument," Section (A) of pages 8-9 of the final Office Action, the Examiner maintains that the Bex reference provided was the original paper presented at the CL2000 conference and published in 2000 in by Springer-Verlag. Applicants, however, continue to maintain their objection that the Examiner has made an insufficient showing of evidence that the reference provided to Applicants is indeed the actual paper presented on July 28, 2000 to the CL2000 conference, or, in the alternative, that the reference provided to Applicants was published before Applicants' filing date of December 19, 2000. These objections, however, need not be addressed at this time, as Applicants demonstrate below that Bex does not anticipate claims 1-6, 8-9, 11-16,18-19 and 21 of the present application under §102(a). However, Applicants hereby explicitly reserve the right to challenge whether Bex is an eligible reference.

Applicability of Bex

To anticipate the instant application, Bex must teach EVERY element of the claim as indicated in MPEP 2131, specifically "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). In fact MPEP 2131 clarifies that not only must the claim be expressly or inherently described, but adds that "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 1 for a "method of computing comprising:

receiving at execution time, a data processing specification having a first and a second unnested data processing cell specification specifying a first and a second data processing cell respectively, with each data processing cell specification having a plurality of statements including a formula specifying an action or computation, the first data processing cell having a data dependency on the second data processing cell, and specified in a manner to be analyzed before the second data processing cell;

analyzing in real time, the first and then the second data processing cell specification to determine execution order of the actions/computations specified by the first data processing cell specifications, based at least in part on interaction or computation references between the actions or computations specified; and

effectuating the data processing specified by the data processing specification in accordance with the determined execution order of said actions/computations specified by said first and second data processing cell specifications."

In contrast, Bex fails to disclose at least "a data processing specification having a first and a second unnested data processing cell specification . . . each data processing cell specification having a plurality of statements including a formula specifying an action or computation."

The Examiner equates the use of a Document Type Definition (DTD) in Bex with the "data processing specification" recited in claim 1 of the present application. Applicants respectfully disagree with the Examiner's analogy, as well as with the reasoning provided in support of that analogy by the Examiner in Section (B) of the "Response to Arguments" included in the final Office Action. The Examiner asserts that the terms "data processing" have no weight in light of the fact that DTDs are intended for data processing. Thus, "data processing specification" has been interpreted by the Examiner to read simply as "specification." Here, Claim 1 states that the data processing specification has first and second data processing cell specifications, and that each of these data processing cell specifications includes a formula specifying an action or computation. Thus, the "data processing specification" of claim 1 isn't simply a "data processing specification" because it consists of data that is intended to be processed. Rather, it is a "data processing specification" because it includes formulas that specify how some given data should be processed. A DTD does not specify any data processing operations. It simply declares data that may appear in a given document and is processed along with that document. Thus, a DTD is not a "data processing specification" as Applicants have defined and used those terms in the present application.

Even assuming *arguendo* that the DTD of Bex reads on "data processing specification," Bex still fails to disclose "a first and a second unnested data processing cell specification . . . each data processing cell specification having a plurality of statements including a formula specifying an action or computation." The Examiner asserts that the element declarations of Bex read on "data processing cell specifications." This assertion, however, is incorrect for at least two reasons.

First, "data processing cell specifications," like the "data processing specification" described above, include formulas specifying an action or computation, thus directing how some data is to be processed. The element declarations of a DTD, like the DTD itself, do not specify any data processing operations. They simply declare data that may appear in a given document and are processed along with that document. Thus, element declarations are not

"data processing cell specifications" as Applicants have defined and used those terms in the present application.

Second, the element declarations of Bex's DTD do not include, expressly or inherently, formulas specifying actions or computations. While elements of a document that have been declared in the document's associated DTD may include formulas specifying actions or computations, the element declarations themselves do not and can not include such formulas. Even if "include" is read far more loosely than is warranted so that an element declaration "includes" whatever formulas elements matching that declaration include, Bex fails to explicitly show or discuss any elements matching the element declarations of the DTD which include formulas specifying an action or computation. Further, Bex does not inherently disclose elements including formulas because elements themselves do not inherently include formulas specifying actions or computions. An entire XML or HTML document may simply declare text and not include any operation-specifying formulas. Accordingly, Bex fails to disclose the data processing cell specifications in as complete of detail as is disclosed in claim 1 of the present application.

Additionally, according to claim 1, "the first data processing cell" has "a data dependency on the second data processing cell." The element declarations of the DTD of Bex do not and can not have data dependencies upon each other.

Accordingly, claim 1 is patentable over Bex under §102.

Claims 11 and 21 recite similar limitations to those recited in claim 1. Accordingly, for at least the same reasons, claims 11 and 21 are patentable over Bex under §102.

Claims 2-6, 8-9, 12-16, 18-19 depend on either claim 1 or 11, incorporating their limitations respectively. Accordingly, for at least the same reasons, claims 2-6, 8-9, 12, 16, 18-19 are patentable over the Bex under §102.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

In "Claim Rejections – 35 USC § 103" item 5 on page 7 of the above-identified final Office Action, claims 7, 10, 17, and 20 have been rejected under 35 U.S.C. § 103(a) as being obvious over Bex in view of W3C publications "XML Path Language (XPath) Version 1.0" (hereinafter "XPath") and "XSL Transformations (XSLT) Version 1.0" (hereinafter "XSLT") that are purportedly stable documents published as W3C recommendations on 16 November 1999. For at least the reasons previously provided, Applicants traverse.

XPath and XSLT, alone or in combination, do not remedy the above-discussed deficiencies of Bex. Therefore, claims 1 and 11 remains patentable over Bex, XPath, and XSLT, alone or in combination.

Claims 7, 10, 17, and 20 depend on claims 1 and 11, incorporating their limitations respectively. Therefore, for at least the same reasons, Claims 7, 10, 17, and 20 are patentable over Bex, XPath, and XSLT, alone or in combination.

CONCLUSION

In view of the foregoing, reconsideration and allowance of claims 1-21 are solicited. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1513. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 50-0393.

Respectfully submitted,
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